

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TY-COON,

Plaintiff,

v.

JOHN BESSEY, et al.,

Defendants.

Case No. 2:13-cv-408

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

ORDER

This matter is before the Court for consideration of the Magistrate Judge's May 6, 2013 Initial Screening Report and Recommendation. (ECF No. 4.) In that filing, the Magistrate Judge conducted an initial screen of Plaintiff's Complaint as required by 28 U.S.C. § 1915(e)(2) and recommended that the Court dismiss this action for failure to assert any claim upon which this Court could grant relief. The Magistrate Judge explained that the complaint "pleads no facts and gives no explanation of why [P]laintiff believes he is entitled to relief from [D]efendants." (ECF No. 4, at Page ID # 15.) The Initial Screening Report and Recommendation also advised the parties that the failure to object within fourteen days would result in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (*Id.* at Page ID # 16.) Rather than file an objection, Plaintiff instead filed an amended complaint that also fails to plead any facts. (ECF No. 6.) The amended complaint fails to preclude the dismissal of this action. *Moniz v. Hines*, 92 F. App'x 208, 211-12 (6th Cir. 2004).

The Court has reviewed the Report and Recommendation. Noting that no objections

have been filed, that the time for filing such objections has expired, and that the Magistrate Judge's reasoning is correct, the Court **ADOPTS** the Initial Report and Recommendation and **DISMISSES** Plaintiff's case pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE